

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

MARTHA BERNDT, et al.,
Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

Case No. 03-cv-03174-NJV

**ORDER GRANTING MOTION TO
ALTER OR AMEND JUDGMENT**

Re: Dkt. No. 900

This case was tried to a jury, resulting in a verdict for Defendants and against Plaintiff Martha Berndt. (Docs. 889, 890.) The court entered judgment on February 11, 2016. (Doc. 899.) Defendants now seek to amend that judgment to include judgment in favor of Defendant CDCR against Plaintiffs Shelly Adcock, Rasia Jeffries, and Lisa Boyd. (Doc. 900.) For the reasons set forth below, the court will grant Defendants' motion.

BACKGROUND

The original complaint in this action was filed in July 9, 2003, by Plaintiffs Berndt, Longo and Scott. The Fifth Amended Complaint, filed January 31, 2011, eventually became the operative complaint. (Doc. 407.) The case proceeded as a putative class action until March 20, 2012, when class certification was denied. (Doc. 452.) On July 3, 2013, Defendants filed a motion for judgment on the pleadings, arguing that plaintiffs Longo, Adcock, Jeffries, and Boyd had failed to exhaust their administrative remedies by filing a charge of discrimination with the Equal Opportunity Employment Commission, and were time-barred from doing so. (Doc. 528.) Chief Judge Hamilton granted Defendants' motion for judgment on the pleadings as to the Title VII claims of Plaintiffs Longo, Adcock, Jeffries and Boyd. (Doc. 566.) Defendants subsequently

settled with six Plaintiffs, leaving only the claims of Plaintiff Berndt to be resolved at trial.

On September 10, 2015, the parties entered into a stipulation agreeing, “by and through their respective counsel, to have Magistrate Judge Nandor Vadas conduct all further proceedings in this case, including a trial, and order the entry of final judgment.” (Doc. 845.) The jury trial of Plaintiff Berndt’s case was held in San Francisco, from February 1, 2016, through February 10, 2016. The court entered judgment in favor of Defendants on February 11, 2016. (Doc. 899.) Defendants filed their motion to alter or amend the judgment on February 18, 2016. (Doc. 900.)

DISCUSSION

Defendants bring their motion pursuant to Rule 59(e), Federal Rules of Civil Procedure, which provides simply that, “[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of judgment.” The court finds that Defendants’ motion is timely.

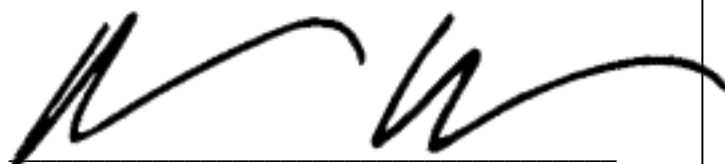
The Title VII claims of Plaintiffs Adcock, Jeffries and Boyd were the only claims raised by those Plaintiffs. *See* Doc. 407, Fifth Amended Complaint. District Judge Hamilton dismissed those claims in her order of August 27, 2013. (Doc. 566.) Plaintiffs do not oppose the amendment of the February 11, 2016, to include judgment against Plaintiffs Adcock, Jeffries and Boyd. The court finds that such amendment is appropriate. *See* F.R.C.P. 53(b).

The only remaining issue is the undersigned’s authority to enter judgment as to Plaintiffs whose claims were dismissed before the parties consented to having undersigned hear the remainder of the case. The court finds that authority in the parties’ stipulation to proceed before a magistrate judge, which was signed by counsel for the three Plaintiffs in question.

Accordingly, Defendants’ motion is **HEREBY GRANTED. The Clerk of the Court is directed to amend the judgment entered February 11, 2016, to include judgment against Plaintiffs Shelly Adcock, Raisa Jeffries, and Lisa Boyd, and in favor of Defendant CDCR.**

IT IS SO ORDERED.

Dated: March 9, 2016



NANDOR J. VADAS
United States Magistrate Judge